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20 UNITED STATES DISTRICT COURT
21 FOR THE NORTHERN DISTRICT OF CALIFORNIA
22 SAN FRANCISCO DIVISION

23 AMERICAN FEDERATION OF
24 GOVERNMENT EMPLOYEES, AFL-CIO;
25 AMERICAN FEDERATION OF STATE
26 COUNTY AND MUNICIPAL EMPLOYEES,
27 AFL-CIO, et al.,

28 Plaintiffs,

v.

UNITED STATES OFFICE OF PERSONNEL
MANAGEMENT, et al.,

Defendants.

Case No. 3:25-cv-01780-WHA

DECLARATION OF GABRIEL LEZRA

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I, Gabriel Lezra, declare as follows:

1. I am the Policy and Advocacy Director at State Democracy Defenders Action and State Democracy Defenders Fund, and am an attorney licensed to practice law in New York.

2. The statements in this declaration are based on my personal knowledge and belief and if called as a witness I could and would testify competently thereto.

3. On Wednesday, February 26, 2025, State Democracy Defenders Fund was approached by a former probationary employee at the Internal Revenue Service who was terminated on Friday, February 21, 2025.

4. The employee expressed to us that they had a video of an IRS Town Hall which occurred on Friday, February 21, during which IRS employees were told by IRS Chief Human Capital Officer Traci DeMartini that the Office of Personnel Management directed the firings of probationary employees.

5. The employee stated that they recorded the video during the Town Hall.

6. I spoke to the former employee and subsequently viewed the video. Based on that conversation and the characteristics of the video, I concluded that it is authentic.

7. A true and correct copy of the video that the employee provided to me may be accessed at <https://www.dropbox.com/scl/fi/8ga55at49wqhual0awrbs/IRS-Video.mp4?rlkey=wdyy4hqj221cg6yy7bwkt24n&st=5lgg0g3g&dl=0>.

8. Attached as Exhibit A to my declaration is a true and correct copy of a transcript of that zoom call, prepared and certified by a Certified Shorthand Reporter.

9. The employee is not willing to reveal her identity for fear of retaliation.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 26th day of February 2025 in Washington, D.C.

Gabriel Lezra

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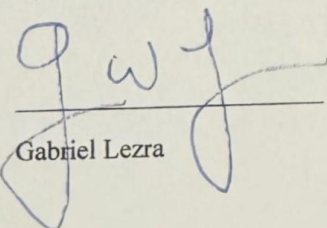

Gabriel Lezra

Exhibit A

IRS TOWN HALL

FEBRUARY 21, 2025

EXCERPT OF MEETING

Transcribed by: MARY ANN SCANLAN, CSR



Certified Shorthand Reporters

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1 MS. DIMARTINI: Chief Human Capital Officer.
2 I said, I finally found something that was worse than
3 the day my house blew up in November of 2022. You can
4 Google that if you don't believe me. But it was awful.

5 And I'm going to explain how we got here, and
6 I'm going to explain what I believe is coming down the
7 pike. And I will answer your questions.

8 But I will also tell you a lot of times I'm
9 going to say, I do not know. Because this information
10 is being directed to us from the Office of Personnel
11 Management. And a lot of times the information comes
12 down not even 24 hours before we are supposed to take
13 action.

14 I'll also say a lot of times the information
15 changes. So I'll do my best to provide you some
16 information. You are welcome, as Liz said, to put
17 comments/questions in the chat.

18 And I'll just emphasize that this is a global
19 government issue right now. Yes, the IRS was called out
20 in some of the executive orders. But every agency --
21 and all you need to do is watch the news, although I
22 strongly urge you not to if you want to keep your
23 sanity.

24 This is going on government wide. There's no
25 agency that's being spared, not even Department of

1 Defense. Which at first was not going to be touched,
2 but I have just seen this morning where they are going
3 to be doing some layoffs and reductions in force.

4 So let me start with just the obvious one that
5 came out on January 20th. There is a full-scale
6 government hiring freeze, full stop. That's the one
7 where IRS was actually mentioned in that email.

8 It's 90 days for the whole of government as a
9 start. For the IRS, we are actually on what I call
10 double not so secret probation. We are not going to be
11 allowed to make any moves for the foreseeable future to
12 increase our head count.

13 But it's actually a little bit more Draconian
14 than that. We not only are not allowed to hire.
15 There's been a full stop put on even accepting new
16 details, temporary promotions. There are some details
17 that can be extended, but they have to be
18 noncompetitive, not competitive.

19 And our actions are being watched by OPM. So
20 that's, again, something else that's unprecedented.
21 Because normally agencies who have delegated authority,
22 which all of us do, OPM grants agencies, such as
23 Treasury, the ability to operate our own Human Capital
24 offices. Treasury grants that to each bureau.

25 We're not in that situation now. Everything

1 we do is scrutinized. Everything is being looked at
2 twice. Any changes that are made in our system that
3 show any type of action that has been deemed
4 impermissible, we have to respond to why it happened.

5 I'm just telling you this to be very clear,
6 because I know there's been a great deal of frustration
7 about, why isn't HR telling us more in real time? Why
8 is this happening? Show me in the regs where you can do
9 this.

10 And I just want to be crystal clear that I've
11 never seen this happen before. I'm not sure why it's
12 happening. I have my ideas, but that's not appropriate
13 for a work call. And I will just say, we have to make
14 sure that we're demonstrating compliance so we do not
15 give anyone any reason to take away our current
16 authorities.

17 Regarding the removal of the probationary
18 employees, again, that was something that was directed
19 from OPM. And even the letters that your colleagues
20 received yesterday were letters that were written by
21 OPM, put forth through Treasury, and given to us.

22 There was a modification because we created
23 our own email box for employees to send questions to HR
24 directly after they separate. We felt it was important
25 to have an avenue of communication open for them if they

1 had questions about their final paycheck, or benefits,
2 or leave payouts. So we did get permission to add that
3 email in there.

4 We also were able very quickly with our
5 friends in IT to find out ways to do the mass email
6 release, even though there were some hiccups.

7 And we actually were given an extra few days
8 to execute because the other Treasury bureaus had to
9 conduct their terminations last week. But due to our
10 size and our disburse nature, we received an extension
11 through yesterday.

12 And there's actually one final list that we
13 also received, so a few people will be getting letters
14 today, about another set of a hundred. You know, they
15 already will be -- they're being sent out by mail.

16 I cannot explain to you why this has happened.
17 I've never seen OPM direct people at any agency to
18 terminate. The only thing I can surmise is that the
19 current administration has been very clear they would
20 like to reduce the number of Federal employees across
21 the whole enterprise.

22 So one of the first steps they took was to
23 start with people on probation who have very limited
24 appeal rights before MSPB, or any other entity, and they
25 probably felt that was the most expedient avenue to do

1 before they go into other areas, which I will also begin
2 to address.

3 Some of the questions I saw in there talk
4 about reduction in force. I fully expect there will be
5 a large-scale reduction in force sometime this year.

6 I am sending 23 members of HCO to training
7 next week in Kansas City on reduction in force rules,
8 and there's a reduction in force tool that we ask
9 agencies to use.

10 We have been updating our own internal
11 policies. We are reviewing our priority areas for
12 competitiveness, and we are having conversations with
13 Treasury.

14 I know that a normal reduction in force
15 process takes 12 to 18 months. We also have provisions
16 in our contract agreement with NTEU that must be
17 followed.

18 Unfortunately, this administration is taking
19 the tact that they are directing agencies to move
20 forward in certain areas, regardless of what the
21 agreement --

CERTIFICATE OF REPORTER

I, MARY ANN SCANLAN, hereby certify that I transcribed an excerpt from an IRS Town Hall meeting held on February 21, 2025, as completely and correctly to the best of my ability.

I further state that pages 1 through 7, inclusive, constitute an accurate and complete transcription of the video recording for the proceedings specified.

Dated: February 26, 2025


Mary Ann Scanlan, CSR

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